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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE ATTY. DOCKET NO. 86421-27

In re Patent Application of Ivan LABONTÉ

Serial No.

10/810,555

Group Art Unit:

3728

Filed:

March 29, 2004

Examiner:

N/A

For:

7. N.Z

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INFORMATION DISCLOSURE STATEMENT

This Information Disclosure Statement is being filed in the manner prescribed by 37 CFR 1.97(b) - (d) to satisfy the duty under 37 CFR 1.56 to disclose to the Office information, known to individuals associated with the filing and prosecution of the subject application, which is material to the examination of the application.

In accordance with 37 CFR 1.97(g) and (h), this statement is not to be construed as a representation that a search has been made or an admission that the information cited herein is, or is considered to be, material to patentability as defined in 37 CFR 1.56(b).

This information disclosure statement is being filed within three months of the filing date of a national application, within three months of the date of entry of the national stage as set forth in 37 CFR 1.491 in an international application; or before the mailing date of a first official action on the merits and therefore applicant respectfully requests consideration under 37 CFR 1.97(b).

In compliance with 37 CFR 1.98(a)(1), a list of all patents, publications or other information submitted for consideration by the Office is hereby provided by way of the attached Form PTO 1449.

In compliance with 37 CFR 1.98(a)(2), also enclosed is a legible copy of:

- i) each foreign patent;
- ii) each publication or that portion which caused it to be listed; and
- iii) all other information or that portion which caused it to be listed, excluding any copies of a United States patent or patent application.

Under 37CFR 1.98(a)(3)(ii) an English language translation of each patent, publication or other information listed that is not in the English, is provided.

It is respectfully requested that the information be expressly considered by the Examiner and that the references be made of record and appear among the "References Cited" on any patent to issue therefrom.

The Patent Office is hereby authorized to charge any deficiency, or credit any overpayment in fees to Deposit Account Number 19-2550.

Respectfully submitted,

DATE: July 28, 2004

Marc Gaghon, Reg. No. 51,273

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Encls.: Acknowledgement Card

Form PTO-1449

Non U.S. patent documents cited

		tial if reference con ude copy of this for				nance with MPEP 609; D	raw line through	citation if not in o	conformance	e and not	
EXAMINE	R					DATE CONSIDERED					
		ОТІ	HER DOCUME	NTS (Includin	g Author	, Title, Date, Pertine	nt Pages, Etc	;.)	1	<u> </u>	
	13.	WO 90/03744		04-19-1990	Internatio	onal					
	12.	CA 2,112,272		06-24-1995	Canada					<u> </u>	
	11.	EP 1 016 353 A2		07-05-2000	Europe						
	10.	CA 2,362,758		09-08-2000	Canada						
	9.	CA 2,328,569		10-28-2001	Canada				YES	NO	
		DOCUMENT	DOCUMENT NUMBER DATE			COUNTRY	CLASS	SUBCLASS		SLATION	
	I			FORE	IGN PATE	NT DOCUMENTS			1		
	8.	US 2001/0003876	6 A1	06-21-2001	Racine						
	7.	US 2001/0042324	4 A1	11-22-2001	Filice						
INTIAL	6.	US 2002/0071946	6 A1	06-13-2002	Norton et	: al.			IF AFFROR	KIATE	
*EXAMINER	DOCUMENT NUMBER DATE			ı	NAME	CLASS	SUBCLASS	FILING DAT			
				U.S. PATEN	IT APPLIC	ATION PUBLICATIONS		¹ **			
	5.	US 6,305,101 B2		10-23-2001	Chemello						
	4.	US 6,457,265 B1		10-01-2002	Lepage et	t al.		1	AUL Z 9 Z	ARK OFF	
	3.	US 6,499,233 B1		12-31-2002	Chenever	t		38	JUL 2 9 2004		
	2.	US 6,558,784 B1	-	05-06-2003	Norton et	: al.			OLE E		
INITIAL	1.	US 6,670,029 B2		12-30-2003	Norton et	al.			1 APPROP	NATE	
*EXAMINER		DOCUMENT NUMBER		DATE	NAME NAME		CLASS	SUBCLASS	FILING DAT		
				υ. :	S. PATENT	DOCUMENTS			720		
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Patent and Trademark Office * U.S. DEPARTMENT OF COMMERCE

ATTY DOCKET NO. APPLICATION NO. 10/810,555 86421-27 INFORMATION DISCLOSURE CITATION Ivan LABONTÉ (Use several sheets if necessary) FILING **GROUP ART** 3728 March 29, 2004 **U.S. PATENT DOCUMENTS** FILING DATE *EXAMINER SUBCLASS DOCUMENT NUMBER DATE NAME CLASS INITIAL IF APPROPRIATE US 6,295,679 B1 10-02-2001 Chenevert 14. 07-17-2001 US 6,260,290 B1 Chenevert 15. 05-22-2001 US 6,233,848 B1 Bonaventure 16. 09-05-2000 Seltzer et al. 17. US 6,112,434 US 6,102,412 08-15-2000 Staffaroni 18. U.S. PATENT APPLICATION PUBLICATIONS *EXAMINER FILING DATE CLASS SUBCLASS DOCUMENT NUMBER DATE NAME INITIAL IF APPROPRIATE **FOREIGN PATENT DOCUMENTS** TRANSLATION DOCUMENT NUMBER DATE COUNTRY CLASS SUBCLASS YES NO 19. 04-03-1990 CA 2,000,090 Canada 20. CA 1,189,697 07-02-1985 Canada CA 1,132,793 10-05-1982 Canada 22. GB 1,141,836 02-05-1969 **Great Britain** 23 DE 617365 07-25-1935 Germany OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

EXAMINER

DATE CONSIDERED

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OF 7

APPLICATION NO. ATTY DOCKET NO. 10/810,555 86421-27 INFORMATION DISCLOSURE CITATION Ivan LABONTÉ (Use several sheets if necessary) FILING **GROUP ART** 3728 March 29, 2004 **U.S. PATENT DOCUMENTS** FILING DATE *EXAMINER CLASS SUBCLASS DOCUMENT NUMBER DATE NAME INITIAL IF APPROPRIATE US 6,079,128 06-27-2000 Hoshizaki et al. 24. 04-27-1999 Foxen et al. 25. US 5,896,683 US 6,048,810 04-11-2000 Baychar 26. US 5,885,500 03-23-1999 Tawney et al. 27. 07-28-1998 28. US 5,785,909 Chang et al. **U.S. PATENT APPLICATION PUBLICATIONS** *EXAMINER FILING DATE CLASS SUBCLASS DATE NAME DOCUMENT NUMBER INITIAL IF APPROPRIATE

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OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)											
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

DATE CONSIDERED

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EXAMINER

APPLICATION NO. ATTY DOCKET NO. 86421-27 10/810,555 INFORMATION DISCLOSURE CITATION Ivan LABONTÉ (Use several sheets if necessary) FILING **GROUP ART** 3728 March 29, 2004 **U.S. PATENT DOCUMENTS** FILING DATE *EXAMINER SUBCLASS DOCUMENT NUMBER DATE NAME CLASS INITIAL IF APPROPRIATE US 5,778,566 07-14-1998 Edauw et al. 29. Miller et al. US 5,342,070 08-30-1994 30. 08-23-1994 Caberlotto US 5,339,544 31. US 5,289,645 03-01-1994 Marega et al. 32. 33. US 5,174,050 12-29-1992 Gabrielli **U.S. PATENT APPLICATION PUBLICATIONS** *EXAMINER FILING DATE SUBCLASS DATE NAME CLASS DOCUMENT NUMBER INITIAL IF APPROPRIATE

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

EXAMINER DATE CONSIDERED

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

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INFORMATION DISCLOSURE CITATION					ATTY DOCKET NO. 86421-27 APPLICATION NO. 10/810,555 Ivan LABONTÉ					
		(Use several sheets if neces	sary)		FILING		GROUP ART			
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			U.S	S. PATEN	DOCUMENTS					
*EXAMINER		DOCUMENT NUMBER	DATE		NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE		
	34.	US 4,835,885	06-06-1989	Hoshizak	i et al.			 		
	35.	US 4,509,276	04-09-1985	Bourque						
	36.	US 4,505,056	03-19-1985	Benéteau						
	37.	US 4,433,494	02-28-1984	Courvois	ier et al.			ļ		
	38.	US 4,385,456	05-31-1983	Livernois	s et al.					
			U.S. PATEN	NT APPLIC	ATION PUBLICATION	S				
*EXAMINER		DOCUMENT NUMBER	DATE		NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE		
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			U.\$	S. PATENT	T DOCUMENTS					
*EXAMINER INITIAL		DOCUMENT NUMBER	DATE		NAME	CLASS	SUBCLASS	FILING DAT		
	39.	US 4,384,413	05-24-1983	Bourque						
	40.	US 4,353,173	10-12-1982	Paquet						
	41.	US 4,351,537	09-28-1982	Seidel						
	42.	US 4,343,097	08-10-1982	Sasaki						
	43.	US 4,194,308	03-25,1980	Karlsson						
			U.S. PATEN	NT APPLIC	CATION PUBLICATIONS					
*EXAMINER INITIAL		DOCUMENT NUMBER	DATE	<u> </u>	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE		
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*EXAMINER INITIAL		DOCUMENT NUMBER	DATE		NAME		SUBCLASS	FILING DATE IF APPROPRIATE			
	44.	US 4,126,323	11-21-1978	Scherz							
	45.	US 3,659,361	05-02-1972	White, Sr	:						
	46.	US 3,190,015	06-22-1965	Binder et	al.						
	47.	US 3,076,274	02-05-1963	F. H. Sch	lecht						
			U.S. PATEN	NT APPLIC	ATION PUBLICATIONS						
*EXAMINER INITIAL	DOCUMENT NUMBER DATE			NAME CLASS		SUBCLASS	FILING DAT				
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			FORE	IGN PATE	NT DOCUMENTS						
	Ì	DOCUMENT NUMBER	DATE		COUNTRY	CLASS	SUBCLASS	TRANS	LATION NO		
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	<u> </u>	OTHER DOCUM	ENTS (Includin	g Author	, Title, Date, Pertinen	t Pages, Etc	 :. <i>)</i>	<u> </u>	1		
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